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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,780	01/22/2004	Mathew G. Johnson	2318-1-3	7940

996 7590 11/15/2007

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EXAMINER	
CLOUD, JOIYA M	
ART UNIT	**PAPER NUMBER**
2144	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,780	JOHNSON, MATHEW G.	
	Examiner	Art Unit	
	Joiya M. Cloud	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on January 14, 2003. Claims 1-15 represent Method and system for asymmetric wireless telecommunication client side control.

Claim Objections

2. **Claims 8-15** are objected to because of the following informalities: Exemplary claim 8 recites "The ensuing claims are for support purposes and will be removed during prosecution," which Examiner believes was not intended to be included in the final drafting of the claim language of claim 8. Examiner will interpret the claim to begin after the above disclosed statement starting with "A method for an asymmetrical data communications system..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-7** are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. **(US Patent No. 6, 980, 524 B1, hereinafter Lu).**

As per claim 1, Lu teaches a method, comprising transmitting a first data set to a first client device across a plurality of wireless communication networks, each network of the plurality communicating directly with the first client device and transmitting a corresponding portion of the first data set; and receiving a second data set from the first client device **(Where Lu teaches zone based routing wherein each zone functionally represents different communication networks in which data packets are sent across the networks, see Figure 1, page 11, lines 41-50, page 5, lines 14-26, and page 8, lines 50-60).**

As per claim 2, Lu teaches a method wherein the second data set is transmitted across at least one of the plurality of networks **(Figure 1, where transmitting from zone 8 to zone 6 traverses at least one of the plurality of networks).**

As per claim 3, Lu teaches a method wherein the second data set is transmitted across a medium external to the plurality of networks **(Figure 1,page 7, lines 50-55, and page 8, lines 33-42).**

As per claim 4, Lu teaches a method wherein a first network of the plurality of wireless communication networks is proprietary to a first entity, and a second network of the plurality of wireless communication networks is proprietary to a second entity **(page 4, lines 40-50 and page 10, lines 8-13 where each network has a zone ID and corresponding nodes).**

As per claim 5, Lu teaches a method wherein a second client device transmits the first data set, the second client device selectively assigning each portion of the first data set to a corresponding network of the plurality for transmission thereby **(page 8, lines 50-60 and page 13, lines 16-35, building an intra-zone routing table process for a plurality of transmissions across zones)**.

As per claim 6, Lu teaches a method wherein a second client device receives the second data set, the second client device selectively assigning a network of the plurality to transmit a corresponding portion of the second data set to the second client device **(Figure 4, items 442,444, Figure 18 and page 8, lines 50-60)**.

As per claim 7, apparatus, comprising: at least one transmitter transmitting a first data set to a client device across a plurality of wireless communication networks, each network of the plurality communicating directly with the client device and transmitting a corresponding portion of the first data set; and a receiver coupled to the at least one transmitter, the receiver receiving a second data set from the client device **(Figure 1, page 9, lines 9-17, having both a transmitter and receiver)**.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 8-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Ahuja et al. (US Patent No. 6, 175,869 B1, hereinafter Ahuja).

As per claim 8, Ahuja teaches a method for an asymmetrical data communications system using a packetized data transmission protocol that is controlled entirely by mechanisms on the client side, using existing server architecture, the data communications method comprising the steps of: directing a client request to a particular one of several client side network devices to transmit the request based on a pre-set routing strategy preference and performance data and network usage cost data regarding the disparate network connections available **(Abstract, col. 9, lines 65-col. 10, lines 1-10, Figure 5, Figures 4, wherein a current routing strategy, performance statistics, and other site specific info are used, see item 108)** wherein at least a portion of the performance data is gathered by a given client agent associated with the client **(Abstract and col. 9, lines 65-col 10, lines 1-10)**, the given client agent gathering a portion of the performance data by processing responses to one or more previous client requests generated by the corresponding client **(Abstract)**; managing response packets passively in a probabilistic fashion wherein each client side network device is likely to receive a portion of the total response packets in direct proportion to the level of unique identifier suppression applied to said particular client side network device **(Abstract, col. 2, lines 36-42)**, the level of suppression being controlled inversely by the frequency of unique identifier advertisement by said particular client side network device, said advertisement enabling a server to locate a

particular uniquely identified client device; and aggregating all response packets received by all of the several client side network devices **(figure 4, items 110 and 112)**.

As per claim 9, Ahuja teaches a method wherein the client side control of asymmetrical networking using more than one client side network device operating is accomplished with an adjustable packet filtering device that is adjustable in two separate ways fitted to each client side network device such that the controls on each client side network device are adjustable independently **(col. 2, lines 58-64)**.

As per claim 10, Ahuja teaches a method wherein the first filtering control mandates the percentage of total bandwidth available that is allocated to upstream and downstream flow, up to 100% in either data packet transmission direction, this aspect of each particular client side network device is controlled independently **(col. 9, lines 8-12)**.

As per claim 11, Ahuja teaches a method wherein the second filtering control mandates the suppression of the unique identifier by each client side network device independently of other network devices **(col. 9, lines 8-12)**.

As per claim 12, Ahuja teaches a method wherein the unique identifier suppression is achieved by reducing the frequency with which the unique identifier is advertised by each client side network device, the advertisement enabling servers to direct response packets to the correct unique identifier **(col. 5, lines 37-45)**.

As per claim 13, Ahuja teaches a method wherein the adjustable controls are regulated in part by algorithms resident on the client device **(col. 2, lines 58-61)**.

As per claim 14, Ahuja teaches a method wherein the adjustable controls are regulated in part upstream from the client by a server **(col. 2, lines 61-63)**.

As per claim 15, Ahuja teaches a method wherein the adjustable controls are regulated on the client device in part manually by a graphical user interface controlled by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William C. Vaughn

Supervisory Patent Examiner

October 16, 2007